

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JEFFERY A. STALLWORTH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16-CV-578- HTW-LRA

EAST METRO CORRIDOR COMMISSION, and  
THE MISSISSIPPI DEPARTMENT OF  
TRANSPORTATION

DEFENDANTS

**ORDER DENYING CONTINUANCE**

Before the Court is the motion of the Plaintiff, Jeffery A. Stallworth, [docket no. 56], acting pro se, for a continuance and resetting of the motion hearing set for January 10, 2017. In its response to Plaintiff's motion for a continuance, the Defendant, Mississippi Transportation Commission (incorrectly identified in Plaintiff's pleadings as the Department of Transportation), re-urges its motion to dismiss the complaint [docket no. 43] and submits that the court do so without the necessity of a hearing.

This Court finds that Plaintiff's motion for continuance is not well taken. Plaintiff failed to respond to Defendant's motion to dismiss despite numerous opportunities to do so over the course of approximately three months. Even after being granted an extension of time until September 27, 2016, Plaintiff failed to respond to Defendant's motion and has not yet responded to same.

The Defendant urges this Court to grant its motion to dismiss without conducting a hearing on the matter; however, out of an abundance of caution and recognizing that Plaintiff is proceeding pro se, this court has attempted to provide to Plaintiff every reasonable opportunity to present the arguments on behalf of his position, not only regarding the Defendant's motion to dismiss, but also as regards Plaintiff's own motions.

Plaintiff's "motion requesting a re-setting of hearing" is **denied. [docket no. 56]**. The hearing will go forward as scheduled on January 10, 2017 at 9:30 a.m. Failure of Plaintiff to appear may result in dismissal of this cause with prejudice.

**SO ORDERED AND ADJUDGED**, this the 5<sup>th</sup> day of January, 2017.

s/HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE